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OGC 67-0425

7 MAR 1967

OGC Has Reviewed

MEMORANDUM FOR: Compensation and Tax Division, O/F

ATTENTION:

25X1A

SUBJECT: Adjustment of Additional Annual Rates for
Sunday Work of Standby Firefighters

1. The Federal Salary and Fringe Benefits Act, Public Law 89-504, July 18, 1966, authorizes night standby and irregular duty pay to apply to employees whose workweek is irregular. The Civil Service Commission is charged with the responsibility for developing regulations pursuant to this Act. Sections 550.141 and 550.144 of the Federal Personnel Manual authorize premium pay on an annual basis to an employee whose position requires him to remain at his station longer than the regular workday where a substantial portion of such duty is standby. FPM Letter No. 550-18 of October 25, 1966, revises subparagraph (a) of Section 550.144 by increasing the rate of compensation by 2-1/2 percent per annum if the employee must work between 20 and 40 Sundays per year, and by 5 percent if he is required to perform on an average of 41 or more Sundays, provided the total annual rate increase for this and other reasons does not exceed 25 percent. You have submitted the following work schedule performed on an annual basis by Agency firefighters and have asked whether the 2-1/2 percent or 5 percent rate should apply:

First Week

0800 Monday to 0800 Tuesday
0800 Wednesday to 0800 Thursday
0800 Friday to 0800 Saturday

Second Week

0800 Sunday to 0800 Monday
0800 Thursday to 0800 Friday
0800 Saturday to 0800 Sunday

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GROUP 1
Excluded from automatic
downgrading and
declassification

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2. It is our opinion that any time served on a Sunday, regardless of how long, would qualify that Sunday for being counted toward the annual total. Thus, during the "first week" above, there are no Sundays in the count; during the "second week" there are two. If the schedule remains in effect for the year, the employee would serve well over the 41 Sunday total necessary to qualify for the 5 percent rate increase.

3. In our discussions you also asked whether working two shifts on the same Sunday would count as one or two Sundays for purposes of the cumulative total. Clearly, the regulation in requiring "41 or more Sundays" of work to qualify for the 5 percent rate intends to count each Sunday only once in calculating the annual total.

4. In the case presented these firefighters should be compensated at the 5 percent rate.

25X1A

Assistant General Counsel

cc: Director of Personnel

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8 MAR 1967

MEMORANDUM FOR: Director of Training

SUBJECT: Office of Personnel Instructions on Annual Premium Pay for Standby Employees

On 1 December 1966, I forwarded to you copies of Subject Instruction which incorporated changes made necessary by Public Law 89-504 concerning the payment of premium pay for standby fire-fighters. Since that date, receipt of Public Law 89-737 necessitates the following further change in Subject Instruction to be effective with the beginning of the first pay period after 2 November 1966:

Page 3, subparagraph g, lines 1 and 2, delete the words "not" so that the paragraph will now read: "Premium compensation on an annual basis is base pay and is included in the base used in computing retirement deductions, foreign and territorial allowances and differentials, or any other benefits or deductions that are computed on base pay alone."

Is/ Emmett D. Echols

Emmett D. Echols
Director of Personnel

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STATINTL OP/PRS/ [redacted] :bs (31 Jan 67)